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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/823,132

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Robert Chojnacki

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EXAMINER

PERUNGA VOOR, VENKATANARAY

ART UNIT

PAPER NUMBER

2132

MAIL DATE

DELIVERY MODE

09/24/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/823,132	Applicant(s) CHOJNACKI, ROBERT	
	Examiner Venkat Perungavoor	Art Unit 2132	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 29-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 29-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/8/2008 has been entered.

Response to Arguments

Applicant's arguments with respect to claims 29-49 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 29-36, 38, 40-44, 46-48 are rejected under 35 U.S.C. 102(b) as being anticipated by EP 792041 to IBM.

Regarding Claim 29, IBM discloses receiving a secured data product comprising an encrypted first portion the product and an unencrypted second portion of the data product said encrypted first portion unusable by the computing platform before

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decrypting said encrypted first portion, and said unencrypted second portion being unusable by the computing platform before decrypting said encrypted first portion see Col 10 Ln 30-45 & Col 5 Ln 8-13; decrypting said encrypted first portion with a decryption key see Fig. 6 item 610; and executing an application program on the computing platform to use the data product including both the decrypted first portion and the second portion for an intended purpose, wherein said application program is not included with said data product, wherein said application, program being installed on said computing platform prior to said step of receiving said secured data product see Col 11 Ln 30-37.

Regarding Claim 30, 40, IBM discloses the decompression parameters being used see Col 6 Ln 44-51.

Regarding Claim 31, 46, IBM discloses the portion containing indices into data contained in the second portion see Fig. 3.

Regarding Claim 32, 47, IBM discloses the global data containing data product as a whole see Fig. 1.

Regarding Claim 33-36, 41-43, 48, IBM discloses the encrypted authorization key and decrypting the key to obtain the verification information having ID codes see Fig. 6.

Regarding Claim 38, IBM discloses a processor see Fig. 2 item 238; a data storage medium coupled to said processor, the data storage medium holding a set of data comprising an encrypted first portion era data product and an unencrypted second portion of the data product wherein the first portion comprises critical data that enables use of the data product, wherein the first portion of the data product being unusable by the computing platform before decrypting said encrypted first portion and the second portion of the data product unusable before decrypting the first portion of the data product see Col 10 Ln 30-45 & Col 5 Ln 8-13 (where the unencrypted portion contains data needed for decrypting); and

a routine executable by the processor for decrypting the encrypted first portion of the data product see Col 6 Ln 34-43, thereby enabling a program executable by said processor to use the data product including both the first portion and the second portion for an intended purpose, wherein said program is not included with said data product see Col 11 Ln 30-37.

Regarding Claim 44, IBM discloses an encrypted first portion Col 5 Ln 8-13; and an unencrypted second portion wherein stud first portion comprises critical data that when decrypted enables a program executed on a computing platform to use the data product including both said first portion and said second portion for an intended purpose , wherein the encrypted first portion being unusable before decrypting said encrypted

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first portion and the unencrypted second portion of the data product not usable before decrypting the encrypted first portion of the data product see Col 10 Ln 30-45 & Col 5 Ln 8-13 (where the unencrypted portion contains data needed for decrypting),, said program is not included with said data product see Col 11 Ln 30-37.

Regarding Claim 49, IBM discloses dividing the database into a first portion and a second portion, the first portion comprising at least some critical data, the second portion not usable without the critical data in the first portion, wherein the critical data are selected from the group consisting of: decompression parameters, indices, and global data see Col 10 Ln 30-45 & Col 5 Ln 8-13 & Fig. 6;

encrypting the first portion of the database including the critical data see Col 3 Ln 54-Col 4 Ln 4;

sending to the client the encrypted first portion of the database, the unencrypted second portion of the database, and a key for decrypting the first portion of the database, wherein the first portion and the second portion of the database are not usable before decrypting the first portion see Col 11 Ln 30-37.

Regarding Claim 50, IBM discloses the critical data being decompression parameters, indices and global data see Fig. 1.

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 37, 39, 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 792041 to IBM in view of US Patent 6104815 to Alcorn et al.(hereinafter Alcorn).

Regarding Claim 37, 39, 45, IBM does not disclose the decrypting the geographic database. However, Alcorn discloses the decrypting the geographic database (where the positional information is encrypted see Fig. 7b item "Receive & decrypt & Send time & Pos. Info to Server"). It would be obvious to one having ordinary skill in the art at the time of the invention to include the decrypting the geographic database in the invention of IBM in order to send sensitive information to server and the server being able to additional information(user, location and time validity test) as taught in Alcorn see Fig. 4.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkat Perungavoor whose telephone number is (571)272-7213. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/V. P./
Examiner, Art Unit 2132
September 18, 2008

/Benjamin E Lanier/
Primary Examiner, Art Unit 2132